

Proposal to Delist the Louisiana Black Bear

Frequently Asked Questions

(prepared by the US Fish and Wildlife Service)

1. What is the Service proposing? The Service is proposing to remove the Louisiana black bear (*Ursus americanus luteolus*) from the Federal List of Endangered and Threatened Wildlife (List) because it has recovered and no longer meets the definition of threatened under the Endangered Species Act (ESA). We are also proposing to remove the similarity of appearance protections afforded the American black bear (*Ursus americanus*) within Louisiana black bear's historic range under the ESA, as well as announcing availability of a draft post-delisting monitoring plan.

2. How are endangered and threatened defined under the ESA? The ESA defines endangered as "...in danger of extinction throughout all or a significant portion of its range..." whereas "threatened" is defined as "...is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range...."

3. What is the estimated population of the Louisiana black bear? We estimate that 500 to 750 bears are distributed across the subspecies' current range (which is approximately double the population size at the time of listing). Multiple studies have been conducted since the listing of the Louisiana black bear to establish population estimates. Assessment techniques have included live trapping, winter den inspections, radio telemetry monitoring, and capture-mark-recapture (through non-invasive DNA sampling) methods.

4. Why was the Louisiana black bear listed as threatened? The bear was listed as a threatened subspecies in January 1992 primarily because of the historical modification and reduction of habitat, the reduced quality of remaining habitat due to fragmentation, and the threat of future habitat conversion and human-related mortality (57 FR 588). An indirect result of habitat fragmentation was isolation of the already small bear subpopulations which increased their risk associated with such factors as natural population fluctuations and inbreeding.

5. Why is the Service proposing to delist the Louisiana black bear? Our analysis of the best available data shows that the Louisiana black bear is not in danger of extinction throughout all or a significant portion of its range (endangered), and that it is not likely to become endangered within the foreseeable future (threatened) and the delisting recovery criteria have met. We have at least one viable subpopulation in the Tensas River Basin, and one in the Atchafalaya River Basin; documented interchange occurring between these subpopulations through the reintroduced subpopulation now established between them; and a substantial amount of forested habitat is perpetually protected through conservation easements and public ownership to benefit these subpopulations. In addition, the Louisiana black bear's abundance and distribution has increased across its range.

In addition, our review of the status of this subspecies shows that the threats to the subspecies have been eliminated or reduced, and adequate regulatory mechanisms exist. The subspecies is now viable over the next 100 years with sufficient protected habitat to support breeding and exchange between subpopulations. Past habitat loss trends have been reversed through a variety of programs and regulations, and there is currently enough suitable habitat to continue expansion and movement between breeding subpopulations.

6. What did the Service consider in reaching its decision to delist the bear? Section 4(a)(1) of the ESA requires the Service to determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) Overutilization for commercial, recreational, scientific, or educational purposes; (3) Disease or predation; (4) The inadequacy of existing regulatory mechanism; or (5) Other natural or man-made factors affecting its continued existence. In making this decision, the Service conducted a thorough review based on these factors using the best scientific and commercial information available.

7. What is the range of the Louisiana black bear? At the time of listing, the three existing breeding subpopulations were restricted to the Lower Mississippi River Alluvial River Valley (LMRAV) in East Carroll, Madison, Point Coupee, St. Mary and Iberia Parishes, Louisiana. Today, numbers of bears in those original subpopulations have increased, four new breeding subpopulations exist (one in Louisiana and three in Mississippi); and, the extent of habitat supporting Louisiana black bear breeding subpopulations has increased over 500 percent from an estimated 340,000 acres (138,000 ha) at the time of listing to a current estimate of 1,424,000 ac (576,000 ha), in Louisiana and another 382,703 ac (154,875 ha) in Mississippi, for a total of 1,806,556 ac (731,087 ha). That expanded area now includes habitat in all or portions of 21 Louisiana parishes and 6 Mississippi counties primarily within and adjacent to the Lower Mississippi River Alluvial River Valley.

8. What has been done to help recover the Louisiana black bear? The Louisiana black bear has improved in status due to the active partnerships of many private landowners, state and Federal agencies, universities, and non-governmental organizations. Since the listing of the Louisiana black bear in 1992, voluntary landowner-incentive based habitat restoration programs and environmental regulations have not only stopped the net loss of forested lands in the Lower Mississippi River Alluvial River Valley, but have resulted in significant habitat gains. Public management areas such as National Wildlife Refuges (NWRs), Wildlife Management Areas (WMAs), and Corps of Engineers lands supporting Louisiana black bear subpopulations are also protected and managed in a way that benefits the Louisiana black bear. The Louisiana Department of Wildlife and Fisheries in coordination with the Service and U.S. Geological Survey developed a database that is used to track bear occurrences, captures, and mortalities to better manage subpopulations. In addition, from 2001 to 2009, the Service and its partners implemented a multi-year Louisiana black bear reintroduction project (in an area containing approximately 100,000 acres of publicly owned forested land) which has led to the establishment of a new subpopulation that adds to the overall size and viability of the overall bear population, and also facilitates exchange between existing subpopulations. Large-scale restoration and

protection of key habitats, coupled with the benefits of that reintroduction program, have been instrumental in stabilizing and expanding the Louisiana black bear population.

9. What is the process for delisting a species? The first step towards delisting a species is for the Service to publish a proposed rule in the *Federal Register*. Once proposed, we seek public comment and conduct peer review on the proposed action. When the comment period on this proposed action closes, we will then review and analyze the comments received and make a final determination, which may differ from the proposed action if information received during the comment period justifies such an outcome. If the Service determines that delisting is appropriate, that determination will be published as a final rule in the *Federal Register*. Upon publication of a final rule the delisting of the LABB would become effective in 30 days. Prior to that time, the LABB is still considered a listed species with the full protection of the Act.

10. Will the public have an opportunity to participate in this decision? Yes. As outlined in the proposed delisting rule, the Service is requesting information, data, and comments from the public regarding the proposal to delist the bear, and on the draft post-delisting monitoring plan. The Service is seeking comments regarding biological data; relevant data concerning any threats; the extent of Federal and state protection and management that would be provided to the Louisiana black bear if this rule is finalized; additional information concerning the range, distribution, population size, and trends of the bear; and current or planned activities within the geographic range of the species. All public comments will be reviewed and considered. In addition, we will hold public hearings on the proposed rule, at the following locations: The Service will hold public hearings on the proposed rule, at the following locations: Tallulah, LA on June 23, 2015, from 7:00 to 9:00 p.m. (Central Time) at the Tallulah Community Center, 800 North Beech Street, Tallulah, Louisiana, 71282 and Baton Rouge, Louisiana, on June 25, 2015, from 7:00 to 9:00 p.m. (Central Time) at the Louisiana Department of Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, Louisiana, 70898. Comments will be accepted at the hearings orally or in writing

11. How do I submit comments and how will the peer review and public comments be considered? All substantive information provided by peer reviewers and the public during the comment period will be either incorporated directly into our final determination or addressed in the *Peer Review and State Comments* or *Public Comments* sections of the final rule.

Please visit the Federal eRulemaking Portal (at www.regulations.gov) to review and provide comments on the proposed rule (enter docket no. FWS-R4-ES-2015-0014). The proposal can also be viewed on the [Federal Register](http://www.federalregister.gov) website. Comments may also be submitted by hard copy to: Public Comments Processing, Attn: Docket Number, FWS-R4-ES-2015-0014; U.S. Fish and Wildlife Service; Headquarters, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803. This proposal and related documents (such as our PDM plan) will also be available on our [Louisiana Field Office](http://www.louisianafishandwildlife.com) website.

12. Did the Service consider sea level rise and climate change in this rule? Yes. The Service reviewed and analyzed all known threats, including threats from habitat loss (due to conversion

for development and agricultural use), climate change, sea-level rise, human-associated mortality, disease, predation, and the sufficiency of state and local laws or programs to protect habitat and the species. Because of their abundance, distribution, adaptability, mobility, and demonstrated ability to survive extreme climatic events, the Louisiana black bear is highly resilient to losses that might occur from climate change and associated threats.

13. If Louisiana black bear is delisted, will it continue to be monitored by the Service or some other agency/group? The Service, in coordination with the Louisiana Department of Wildlife and Fisheries, has developed a draft post-delisting monitoring (PDM) plan for the Louisiana black bear that will guide us in monitoring the Louisiana black bear population for seven years after it is delisted. That plan has details about monitoring methods, reporting procedures, and agency responsibilities. Multiple monitoring strategies will be used in order to assure that population trends and habitat status will be captured at various time periods and scales, respectively. Population trend monitoring will involve live-capture, non-invasive mark-recapture methods (through hair snaring), radio-collaring, winter den checks, and telemetry monitoring to estimate reproductive rates, survival, genetic exchange, and cause-specific mortality in a timely manner. There will also be a habitat-based monitoring component that will include an assessment of habitat abundance, persistence, and any changes in protection using interpretation of remotely sensed data and updated GIS information (e.g., conservation easements). The PDM is designed to detect declines in Louisiana black bear populations (at extremely early stages) and has threshold triggers that would allow for corrective actions to be taken. The draft PDM plan will be available for public review along with the proposed delisting rule.

14. How would delisting if it is made final impact project planning and consultation?

Should this subspecies be delisted, ESA evaluations would no longer include effects to the Louisiana black bear. Planners for residential and commercial development or other projects that involve permanent clearing of Louisiana black bear habitat would no longer be required to consult with the Service. However, Federal, state and local laws that provide protection to habitats utilized by the Louisiana black bear, but that are not dependent on the species' Federal status, would continue to be in effect, including the State and Local Coastal Resources Management Act of 1978, as amended (LA. R.S. 49:214.21-214.41), the "Swampbuster" provisions of the Food Security Act of 1985, and Section 404 of the Clean Water Act of 1972.

15. What happens if this rule is finalized and if post delisting monitoring yield information of a substantial threat to the bear? If PDM yields substantial information indicating that a threat is causing a decline in the status of the Louisiana black bear since the time of delisting, then the Service would initiate a formal status review to assess changes in threats to the species as defined in the PDM plan. If it is determined appropriate, then the Service would promptly propose that the Louisiana black bear be listed in accordance with section 4 of the ESA. Also, depending on the scope of threat, the Service could use the emergency listing provisions provided under the ESA.

16. If this rule is made final and the bear is delisted, will it be legal to hunt or kill a Louisiana black bear that is causing a nuisance? No. Black bears will remain protected by state laws. If hunting were to be permitted, states would be responsible for initiating and managing any seasons. You would still need to contact state agencies to resolve nuisance bear issues.

17. How do you know that there is enough habitat to support a viable Louisiana black bear population? The results of recent population studies indicate that the currently available habitat is sufficient to sustain a viable Louisiana black bear population for the foreseeable future. Much of that habitat is held in Federal and State ownership and/or is protected through various regulatory mechanisms. The extent of protected habitat continues to increase, primarily from voluntary landowner-incentive-based habitat restoration programs.

18. How do you know the improvement in the Louisiana black bear population is enough to delist?

When the bear was listed, only three breeding populations were known to exist, all in Louisiana. Today, the Louisiana black bear population consists of several breeding subpopulations in Louisiana and Mississippi. Taken together, three of those subpopulations now form a metapopulation (breeding groups with exchange of individuals) that meet the first recovery plan criteria, and are estimated to exist for the next 100 years. The presence of additional subpopulations in the Lower Atchafalaya River Basin, and elsewhere in Louisiana and Mississippi, only serves to improve overall population viability. For example, the Lower Atchafalaya River Basin subpopulation remains the second largest Louisiana black bear subpopulation and has approximately doubled in size in just the last 10 years. In addition, this subpopulation has a positive population growth rate. It should also be noted that there is approximately 400,000 acres of currently unoccupied habitat within the Louisiana black bear habitat restoration planning area (HRPA), and a substantial amount of suitable, yet unoccupied, habitat beyond the HRPA (in both Louisiana, western Mississippi, and eastern Texas) that will enable further expansion of the Louisiana black bear population.

19. Where can I go to see a Louisiana black bear? Currently, most Louisiana black bears live within four areas of Louisiana, including: (1) St. Mary and Iberia Parishes in south Louisiana, (2) Point Coupee Parish in central Louisiana, (3) the Richard K. Yancey WMA and vicinity in Concordia and Avoyelles Parishes, in east-central Louisiana, and (4) Tensas, Madison, and West Carroll Parishes in northeast Louisiana. Bears may be occasionally encountered in other areas within their range, as male bears sometimes wander long distances from the area of their birth. Bears have been sighted in recent years within many parishes throughout Louisiana, as well as in western and southern Mississippi. Public-access lands that provide the best opportunity of potentially seeing a Louisiana black bear include Bayou Teche NWR, Richard K. Yancey WMA, Big Lake WMA, and Tensas River NWR. Please consult, and adhere to, the respective public-land regulations prior to accessing those sites.